

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS  
OFFICIAL MINUTES  
REGULAR MEETING  
MARCH 9, 2006  
10:00 A.M.**

**The Brunswick County Board of Commissioners met in Regular Session on the above date at 10:00 a.m., Commissioners' Chambers, Central Services Building, County Government Center, Bolivia, North Carolina.**

PRESENT: Commissioner David Sandifer, Chairman  
Commissioner Phil Norris, Vice-Chairman  
Commissioner May Moore  
Commissioner Tom B. Rabon, Sr.  
Commissioner William M. Sue

STAFF: Marty K. Lawing, County Manager  
Steve Stone, Assistant County Manager  
Huey Marshall, County Attorney  
Jana Berg, Assistant County Attorney  
Debby Gore, Clerk to the Board  
Ann Hardy, Fiscal Operations Director

**I. CALL TO ORDER**

Chairman Sandifer called the rescheduled meeting to order at 10:00 a.m. This meeting was rescheduled from March 6, 2006 to March 9, 2006 due to lack of a quorum on March 6, 2006 as Vice-Chairman Norris, Commissioner Rabon and Commissioner Sue attended the NaCo Legislative Conference in Washington, D.C. March 4-8, 2006.

**II. INVOCATION/PLEDGE OF ALLEGIANCE**

Commissioner Sue gave the Invocation and led the Pledge of Allegiance.

**III. ADJUSTMENTS/APPROVAL OF AGENDA**

Chairman Sandifer asked if there were any adjustments to the agenda. There were no adjustments made to the agenda.

Commissioner Sue moved to approve the agenda. The vote of approval was unanimous.

**IV. PUBLIC COMMENTS**

Chairman Sandifer asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda. There were no comments from the audience.

**V. APPROVAL OF CONSENT AGENDA**

Commissioner Sue moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

**A. Minutes**

1. February 6, 2006 Regular Meeting Minutes
2. February 20, 2006 Regular Meeting Minutes

**B. Finance**

1) General Fund Amendment 69-Increase \$36,663

The Sheriff's Department earned \$19,538 and \$11,375 from two drug seizure accounts in prior years. In addition, investment earnings on drug seizure funds over the years have accumulated to \$5,750. The total of \$36,663 accumulated in the general fund balance at the end of the fiscal years. The department requests the funds be appropriated in an account to be used for expenditures allowable for federal drug seizure funds. There are no additional county funds involved in this amendment.

2) Health Fund Amendment 23-Increase \$3,134

The Health Department received a one time bonus in the amount of \$3,134 from Federal Title X funds for use in the Family Planning Program 135164. The funds are restricted for utilization in a special program. The department requests the funds be appropriated for Office Supplies & Materials \$1,464, travel \$500, Contracted Services \$1,000, printing \$80 and subscriptions \$90. There are no additional county funds involved in this amendment.

3) General Fund Amendment 70-Increase \$14,560

The Parks & Recreation Department received \$14,560 from the Leland Youth Baseball, Inc. for fencing at the Northwest District Park. The department requests the funds be appropriated for Capital Outlay-Northwest Park. There are no additional county funds involved in this amendment.

4) School Capital Project Amendment 5 Increase \$146,373

Brunswick County Schools submitted a request to appropriate investment earnings to School Capital Projects that were included in the 1999 School Bond Issue. The request is to appropriate \$34,387 to Bolivia Elementary School capital project, \$53,932 to Brunswick Academy capital project and \$58,054 to Shallotte Middle School capital project for a total appropriation of \$146,373. The investment earnings were attributable to unexpended school bond proceeds. There are no additional county funds involved in this amendment.

5) School Capital Project Amendment 4 Transfer between school capital projects \$448,611

Brunswick County Schools submitted a request to transfer unexpended budgeted funds from school projects deemed to have excess funds to projects that were determined to need additional funding. The Board of Education has determined that all project commitments have been met at the schools with unexpended funds. The request is to transfer \$415,104 to Brunswick Academy capital project and \$33,507 to North Brunswick High School capital project for a total of \$448,611. The request is to reduce the appropriation of Lincoln Elementary School capital project (\$177,819), Waccamaw Elementary School capital project (\$203,959), West Brunswick High School capital project (\$25,820) and Jessie Mae Monroe Elementary School capital project (\$41,013) for a total reduction of (\$448,611). Bond Counsel and the Local Government Commission were consulted and advised that it is appropriate to use the excess bond proceeds from one school project to fund school capital projects at another school location within the County. There are no additional county funds involved in this amendment.

6) **Summary of Local Option Sales Tax Distribution**

Sales tax receipts for all sales tax articles for the period July 1, 2005 thru December 31, 2005 total \$10,456,623. Receipts totaled \$9,482,045 for the same period in the prior year for an increase of \$974,578 or 10%. The budget for the fiscal year ending June 30, 2006 is \$20,040,810. For the six month reporting period, 52.18% of the annual budget was realized.

7) **Budget Transfer of \$2,500 from American Legion Post 213 to American Legion Post 68**

Danny Gore of the South West Baseball, American Legion Post 213 submitted a letter dated February 15, 2006. The South West Baseball organization was approved to receive \$2,500 for use by the American Legion Baseball team but due to unforeseen events will not be fielding a team this fiscal year. Mr. Gore recommends that the funding be canceled for the South West and be appropriated to the Brunswick County Baseball team from Leland as they will have the only Senior American Legion team in the county. Mr. Gore states that Mr. John Cook of Post 68 accepted the senior boys to play for their team and the additional funding would help offset the additional expenses that will be incurred. Staff recommends that the budget amount of \$2,500 be transferred to a line item for the American Legion Baseball Post 68 in Leland.

**C. Mosquito Control Program**

Request approval of two budget transfers to appropriate funds to be used for improving the Mosquito Control program.

**D. Mosquito Control Resolution**

Request approval from the Board of Commissioners to designate Darry Somerset for the execution of documents in connection with Mosquito Control.

**E. Resolution Opposing the Initial Medicaid Relief Proposal**

Request Board of Commissioners approve a Resolution Opposing the Initial Medicaid Relief Proposal developed by the Medicaid Relief Task Force appointed by the North Carolina Association of County Commissioners.

**F. Carolina Shores Interlocal Agreement**

Request the Board of Commissioners approve an Interlocal Agreement with the Town of Carolina Shores for Comprehensive Building Inspection Services.

**VI. PUBLIC HEARING**

**1. Planning – Map Amendment Z-06-01**

**I. CALL TO ORDER**

Chairman Sandifer called the Public Hearing to order at 10:02 a.m. and announced that the purpose of the hearing was to receive public comments regarding the Proposed Map Amendment Z-06-01.

Leslie Bell, Planning Director, explained the following:

**Item 1 (Z-466 – Coastal Land Design, PLLC)**

Item 1 is a map amendment initiated by the property owner. This change from RU (Rural) to R-7500 (Low Density Residential) would allow for residential use of a portion of Tax Parcel 18600016 beginning 473.13 feet south of the southeastern quadrant of Clemmons Road (SR 1505) and Old Lennon Road (SR 1504) and then continuing approximately 515 feet south

fronting Clemmons Road, then 1566.71 feet southeast, 750.98 feet east, 320.61 feet north, 2407.41 feet east, 1456.28 feet southwest, 869.6 feet west, 1423.06 feet south, 2111.34 feet east, 825.26 feet south, 2133.07 feet east, 1484.8 feet east, 2045.8 feet south, 719.04 feet east and 474.64 feet south. Continuing approximately 3198.12 feet east, 2802.73 feet north, 1685.02 feet west, 819.3 feet northeast, 1182.87 feet northwest, 588.07 feet north, 224.38 feet west, 1165.91 feet southwest, 589.22 feet northwest, 525.33 feet east, 771.87 feet north, 178.83 feet west, 449.56 feet southwest, 400.00 feet west, 1085.00 feet northwest and 924.06 feet west. Then 1911.06 feet northwest, 2930.32 feet north, 2248.39 feet northwest crossing Clemmons Road and then crossing Gilbert Road (SR 1504), 95.35 feet northeast, 668.68 feet north, 339.46 feet west, 390.9 feet southeast crossing over Gilbert Road, 2078.67 feet west, 360.14 feet south, 465.18 feet southwest following the old run of Dark Bay Branch, 402.42 feet west, 1524.13 feet southwest, 550.56 feet northwest and 116.03 feet west, back to the point of origin.

This area encompasses 1366.57 acres.

Planning Board recommends approval for a portion of Tax Parcel 18600016 (5 to 1 with Mr. Loyack opposing and Mr. Long being absent from the meeting).

**Item 2 (Z-467 – Coastal Land Design, PLLC) [Revised]**

Item 2 is a map amendment initiated by the property owner. This change from RU (Rural) to ~~C-LD (Commercial Low Density)~~ R-7500 (Low Density Residential) would allow for residential use of a portion of Tax Parcel 18600016, beginning approximately 50 feet northwest of the northwestern quadrant of Southport-Supply Road (NC 211) and Mosquito Branch Road SE (SR 1111) and continuing 1055.71 feet west fronting Southport-Supply Road. Then 1996.45 feet northwest, approximately 1267 feet northeast, 1506.29 feet southeast, 2146.73 feet south and 248.63 feet southwest back to the point of origin.

This area consists of 67.90 acres.

Planning Board recommends approval for a portion of Tax Parcel 18600016 to be rezoned to R-7500 (Low Density Residential) (6 to 0 with Mr. Long being absent from the meeting).

**Item 3 (Z-468 – Hickory Trail Partners, LLC)**

Item 3 is a map amendment initiated by the property owner. This change from RU (Rural) to R-7500 (Low Density Residential) would allow for residential use of Tax Parcel 21700116 beginning approximately 100 feet southeast of the southeastern quadrant of Sunset Harbor Road (SR 1112) and Mulligan Way and continuing approximately 100 feet southeast fronting Sunset Harbor Road. Then approximately 1020 feet southwest, 150 feet north, 50 feet west, 100 feet south, 170 feet southwest, 300 feet south and 200 feet west to Cox's Landing Road (SR 1182). Then 400 feet southwest, 450 feet southeast, 200 feet north, 470 feet east, 710 feet north and approximately 1250 feet northeast back to the point of origin.

This encompasses 9.38 acres.

Planning Board recommends approval for Tax Parcel 21700116 (6 to 0 with Mr. Long being absent from the meeting).

**Item 4 (Z-469 – Jeffrey P. Warner) [Revised]**

Item 4 is a map amendment initiated by the property owner. The change from RU (Rural) to R-7500 (Low Density Residential) Tax Parcels 1860002102, 2020000103 and 2020000107 (Requested by Applicant); and ~~2020000105~~, 2020000102, 2020000109, 1860002101 (Added by Staff) beginning approximately 1670 feet south and continuing approximately 1216 feet southwest of the southeastern quadrant of Southport-Supply Road (NC 211) and Sunset Harbor Road (SR 1112) and continuing approximately 950 feet southwest fronting Sunset Harbor Road (SR 1112). Then approximately 4400 370 feet southeast, 210 feet northeast, 150 feet southeast, ~~50 feet west~~, 140 feet southwest, ~~70~~ 800 feet south, 50 feet west, ~~30 feet east~~, ~~370~~ 140 feet southwest, 70 feet south, 30 feet east, 370 feet southwest and 150 feet west. Continuing

approximately 1550 feet south, 1165 feet northeast, 1450 feet south, approximately 1980 feet northeast, 1482.78 feet northwest, 242.63 feet east and 1103.91 feet northwest back to the point of origin.

This area totals ~~84.33~~ 83.82 acres. [Revised]

Planning Board recommends approval for Tax Parcels 1860002102, 2020000103, 2020000107, 2020000102, 2020000109, and 1860002101 (6 to 0 with Mr. Long being absent from the meeting).

**Item 5 (Z-470 – Avalon Land Development, LLC/Jerry Haire)**

Item 5 is a map amendment initiated by the property owner. This change from RU (Rural) to R-6000 (Medium Density Residential) for Tax Parcel 18500021 (Requested by Applicant) and 1850002203 and the rear portion of 1850002205 (Added by Staff) beginning approximately 400 feet west of the northwestern quadrant of Southport-Supply Road (NC 211) and Deer Trot Road SE and continuing 1800 feet east fronting Southport-Supply Road. Then 350 feet northeast, 750 feet east, 940 feet north, 740 feet west, 760 feet north, 350 feet west, 1963 feet northwest and 2289 feet south back to the point of origin.

This area totals 112.28 acres.

Planning Board recommends approval for Tax Parcels 18500021, 1850002203, and the rear portion of 1850002205 (6 to 0 with Mr. Long being absent from the meeting).

## **II. PUBLIC COMMENTS**

1. Jason White, property owner and Cameron Tucker, Realtor, spoke regarding Item 4, stating that he (Mr. White) owns adjoining property and does not understand the rezoning as he wants it to remain Rural. Mr. Bell explained that Mr. White's property is included in the rezoning. The Board asked Mr. Bell to identify the parcels and Mr. Bell related parcels 202,109, 102 and 105 are the parcels in question.

## **III. ADJOURN**

Commissioner Sue moved to close the Public Hearing at 10:08 a.m.

### **2. Public Housing – 2006 Community Development Scattered Site Application**

#### **I. CALL TO ORDER**

Chairman Sandifer called the Public Hearing to order at 10:09 a.m. and announced that the purpose of the hearing was to receive public comments regarding the FY 2006 Community Development Scattered Site Application.

Vonnie Fulwood, Public Housing Director explained that the North Carolina Division of Community Assistance (DCA) has conditionally awarded Brunswick County and its interested municipalities \$400,000 in Community Development Block Grant (CDBG) funds as part of the FY 2006 Scattered Site Housing Program (SSH). Municipalities have been made aware that the County will serve as lead agency in applying and administering these funds. Municipalities interested in the planning process have responded and meetings have been held to determine how beneficiaries are to be assisted in an equitable, flexible manner.

Citizen Participation is a part of the administrative process in applying for the FY06 Community Development Scattered Site Application. In an effort to get full community support and comments Staff notified local churches and other community groups informing them that we are

in the process of applying for these funds and are looking for families that would meet the eligibility criteria.

The March 9, 2006 public hearing is to allow citizens the opportunity to express views and proposals prior to the completion and submission of the application.

The March 20, 2006 public hearing is required to present a description of the proposed project(s) including beneficiaries, activities to be carried out and the total costs of activities prior to submission of the application to the Division of Community assistance. The completed application and a list of eligible recipients will be completed and presented to the Board before the March 20, 2006 Public Hearing.

## **II. PUBLIC COMMENTS**

Chairman Sandifer asked if there was any member of the audience that wished to address the Board. There were no comments from the audience.

## **III. ADJOURN**

Commissioner Moore moved to close the Public Hearing at 10:11 a.m. The vote of approval was unanimous.

## **VII. ADMINISTRATIVE REPORT**

### **1. Planning – Map Amendment Z-06-01 - (Leslie Bell)**

Staff recommends that the Board of Commissioners approve Second Reading and Adoption of Map Amendment Z-06-01.

Commissioner Sue moved to approve Second Reading and Adoption of Map Amendment Z-06-01, Items 1, 2, 3 and 5 as they are consistent with findings as set out in the attachment contained in the packet. The vote of approval was unanimous.

Commissioner Sue moved to approve Item 4 with the exception of parcels 109,102 and 105 as they are consistent with findings as set out in the attachment contained in the packet. The vote of approval was unanimous.

### **2. Planning – Map Amendment Z-06-02 - (Leslie Bell)**

Staff recommends that the Board of Commissioners approve First Reading of Map Amendment Z-06-02 and set a Public Hearing for April 3, 2006 at 6:30 p.m.

Commissioner Sue moved to approve First Reading of Map Amendment Z-06-02 and set a Public Hearing for April 3, 2006 at 6:30 p.m. The vote of approval was unanimous.

### **3. Planning – Map Amendment Z-06-03 - (Leslie Bell)**

Staff recommends that the Board of Commissioners approve First Reading of Map Amendment Z-06-03 and set a Public Hearing for April 3, 2006 at 6:30 p.m.

Commissioner Moore moved to approve First Reading of Map Amendment Z-06-03 and set a Public Hearing for April 3, 2006 at 6:30 p.m.

### **4. Public Housing – Crisis Housing Assistance Rehabilitation Contract - (Vonnice Fulwood)**

Staff recommends that the Board of Commissioners award one Crisis Housing Assistance Rehabilitation contract to contractor Unique Homes/Builder Designer, Inc.

Vice-Chairman Norris moved to award one Crisis Housing Assistance Rehabilitation contract to contractor Unique Homes/Builder Designer, Inc. The vote of approval was unanimous.

**5. Criminal Justice Partnership Program-Continuation of Funding Application (*Kim Layne*)**

Staff recommends that the Board of Commissioners approve submittal of a Grant Application for continued funding for the Criminal Justice Partnership Program in the amount of \$85,204 for FY 2006-2007.

Commissioner Sue moved to approve submittal of a Grant Application for continued funding for the Criminal Justice partnership Program in the amount of \$85,204. The vote of approval was unanimous.

**6. Parks & Rec – Lease Purchase Agreement – Musco Lighting System – (*George Page*)**

Staff recommends that the Board of Commissioners approve a five-year lease purchase agreement with Musco Lighting System.

Commissioner Moore moved to approve a Five-Year Purchase Agreement with Mucso Lighting System. The vote of approval was unanimous.

**7. Health Department – Payment of Co-pays - (*Don Yousey*)**

Staff recommends that the Board of Commissioners approve a proposal for County employees to seek care at the new Seniors' Practice as requested.

Commissioner Norris moved to approve the proposal for County Employees to seek care at the New Seniors' Practice and receive an annual report from the Seniors Practice Program. The County Attorney advised that the move if approved would be an amendment to the Personnel Policy. The vote of approval was unanimous.

**8. Public Utilities – Sewer Use Ordinance Amendment – Definition of Sewer Collection Line - (*Jerry Pierce*)**

Staff recommends that the Board of Commissioners set a Public Hearing for March 20, 2006 at 6:30 to receive comments on the proposed Sewer Use Ordinance Amendment.

Commissioner Sue moved to set a Public Hearing for March 20, 2006 at 6:30 p.m. to receive comments on the proposed Sewer Use Ordinance Amendment. The vote of approval was unanimous.

**9. Public Utilities – Sewer Use Ordinance Amendment – Sewer Backflow Device Installation - (*Jerry Pierce*)**

Staff recommends that the Board of Commissioners Public Hearing for March 20, 2006 at 6:30 p.m. to receive comments on the proposed Sewer Use Ordinance amendment clarifying when a sewer backflow device must be installed.

Commissioner Moore moved to set a Public Hearing for March 20, 2006 at 6:30 p.m. to receive comments on the proposed Sewer Use Ordinance Amendment. The vote of approval was unanimous.

**10. Public Utilities – Mandatory Connection Ordinance Amendment - (*Huey Marshall*)**

Staff recommends that the Board of Commissioners set a Public Hearing for March 20, 2006 at 6:30 to receive comments on the proposed Mandatory Connection Ordinance Amendment.

Commissioner Sue moved to set a Public Hearing for March 20, 2006 at 6:30 p.m. to receive comments on the proposed Mandatory Connection Ordinance Amendment. The vote of approval was unanimous.

**11. Finance – Audit Contract - (*Ann Hardy*)**

Staff recommends that the Board of Commissioners engage Martin Starnes & Associates, PA to perform the annual compliance and financial audit for Brunswick County for the fiscal year ending June 30, 2006 and execute the contract to audit accounts.

Commissioner Rabon moved to approve engagement with Martin Starnes & Associates, PA to perform the annual compliance and financial audit for Brunswick County for the fiscal year ending June 30, 2006 and execute the contract to audit accounts. The vote of approval was unanimous.

## **VIII. COUNTY ATTORNEY'S REPORT**

### **1. Deed of Dedication Sewer Lines at the Townhomes at Smithfield (Huey Marshall)**

County Attorney recommends that the Board of Commissioners approve the Deed of Dedication for Sewer Lines at the Townhomes at Smithfield.

Vice-Chairman Norris moved to approve the Deed of Dedication for Sewer Lines at the Townhomes at Smithfield. The vote of approval was unanimous.

### **2. Deed of Dedication Water Lines at the Townhomes at Smithfield (Huey Marshall)**

County Attorney recommends that the Board of Commissioners approve the Deed of Dedication for Water Lines at the Townhomes at Smithfield.

Vice-Chairman Norris moved to approve the Deed of Dedication for Water Lines at the Townhomes at Smithfield. The vote of approval was unanimous.

### **3. Closed Session 10:40 a.m.**

Commissioner Rabon moved to enter Closed Session pursuant to NCGS 143-318.10 (a) (4) to discuss confidential matters and potential litigation. The vote of approval was unanimous.

**BREAK** The Chairman called a ten-minute recess.

### **Reconvened 12:01 p.m.**

Commissioner Sandifer called the Open Session back to order and announced that no action was taken in Closed Session.

## **IX. OTHER BUSINESS/INFORMAL DISCUSSION**

Commissioner Moore announced that the Commissioners would hold a Board Retreat on March 15, 16 and 17, 2006 in the Heron Room at Sea Trail Conference Center in Sunset Beach, NC.

## **X. ADJOURNMENT**

**12:03 p.m.** Commissioner Moore moved to recess the Regular Meeting until 8:00 a.m. on March 15, 2006 at Sea Trail for the Annual Board Retreat. The vote of approval was unanimous.

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David R. Sandifer, Chairman

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Deborah (Debby) Gore, Clerk to the Board